

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 27 2001

OFFICE OF
MANAGING DIRECTOR

J. Kortes
Kortes Communications, Inc.
P.O. Box 578
Greenville, Mississippi 48838

86-285

Re: Request for Waiver of FY 1999
Regulatory Fee
Fee Control No.: 00000RROG-00-011

Dear Mr. Kortes:

This letter responds to your request for a waiver of the regulatory fee and associated penalty for Fiscal Year (FY) 1999 filed on behalf of Kortes Communications, Inc.

Your request states that Kortes Communications is a defunct business, that the business was sold effective September 1, 2000, leaving no assets and over \$100,000.00 in debts to the bank and IRS, and that there is, therefore no money with which to pay the 1999 regulatory fee and the associated penalty of \$406.25.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); recon. granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

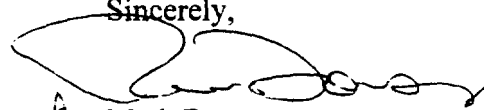
10 FCC Rcd at 12761-62.

In determining whether a regulatee has sufficient revenues to pay its regulatory fees, the Commission relies upon cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver of Kortes Communications' FY 1999 regulatory fee is dismissed. Payment of the FY 1999 regulatory fee and penalty of \$406.25 is now due. This payment should be submitted together with a Form 159 (copy enclosed) within 30 days from the date of this letter. In view of your allegations of financial hardship, however, in lieu of payment, Kortes Communications' request may be refiled together with appropriate supporting documentation within 30 days from the date of this letter.

If you have any questions concerning the regulatory fee payment, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Reger', with a stylized flourish extending to the right.

Mark Reger
Chief Financial Officer

Enclosure

December 30, 2000

Federal Communications Commission
Credit and Debt Management Group
P.O. Box 358835
Pittsburgh, PA 15251-5835

Dear Sirs,

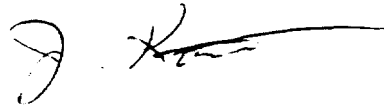
Received your billing for Kortess Communications, Inc. in the amount of \$406.25.

Please be advised that Kortess Communications, Inc., dba WPLB AM and FM is a defunct business. The business was sold effective September 1, 2000 and left no assets but over \$100,000.00 in debts to the Bank and IRS. Therefore, there is not any money in which to pay this bill.

It took almost 15 months to receive approval for the sale of WPLB AM & FM for a deal that was slated to be for \$450,000 (which would have paid all debts) but because of the delay the deal was reduced to \$250,000.00 and therefore, left debts of over \$100,000.00 owing to various creditors.

We are sorry that there is no money to pay this bill and wish that the ending was better for everyone involved. A timely approval would have helped us all.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kortess", with a long horizontal flourish extending to the right.

J. Kortess
Kortess Communications, Inc.
Out of Business

Federal Communications Commission

BILL FOR COLLECTION

06-4
FOR INQUIRIES CALL
1-202-418-1995
(Credit and Debt Management Group)

Bill Number	Bill Date
2000-9-0917	DEC 01 2000

Please write your bill number on your remittance.

KORTES COMMUNICATIONS INC.
P.O. BOX 578
GREENVILLE, MI 48838

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Credit and Debt Management Group
P.O. BOX 358835
PITTSBURGH, PA 15251 - 5835

Total Amount Due	Total Amount Due Must Be Received By	Due Date
\$406.25		JAN 01 2001

Description

BILL FOR 1999 REGULATORY FEE OF \$325.00 PLUS A 25% PENALTY OF \$81.25 FOR NONPAYMENT OF REGULATORY FEES.
CALLSIGN: WPLB FM

1ST NOTICE

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code				Quantity	Fee Due	
M	F	A	9	1	\$325.00	\$325.00
F	I	N	E	-	\$81.25	\$81.25
Total Due						\$406.25

Payment Method: Check ☐ (Attach)
 Credit card ☐ (Complete Below)

☐ MASTERCARD

☐ VISA

Account No.:

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Expiration:

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Month

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Year

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

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Pittsburgh, PA 15251-5835

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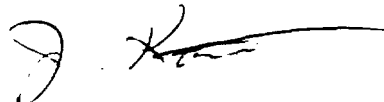
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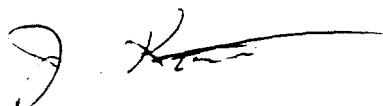
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